



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

CHS, Inc.
1900 Steward Rd.
Rochelle, IL 61068

ATTENTION:

Floyd Schultz
President

Request to Provide Information Pursuant to the Clean Water Act

The U.S. Environmental Protection Agency is requiring CHS, Inc. to submit certain information about the facility at 1900 Steward Rd., Rochelle, IL 61068. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Jason Hewitt at Hewitt.Jason@epa.gov explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the Act, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require.

CHS, Inc. owns and operates a point source at the 1900 Steward Rd., Rochelle, IL 61068 facility. We are requesting this information to determine whether this source is complying with the CWA.

CHS, Inc. must send all required information to R5WECA@epa.gov and to Hewitt.Jason@epa.gov. If, for some reason, materials cannot be transmitted via email, contact Jason Hewitt and he will provide a link to use to send all large electronic files.

CHS, Inc. must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

As explained more fully in Appendix C, CHS, Inc. may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information submitted to us. Information subject to a business confidentiality claim is available to the public only to the

extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If CHS, Inc. does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. CHS, Inc. should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

We may use any information submitted in response to this request in an administrative, civil, or criminal action. Failure to comply fully with this information request may subject CHS, Inc. to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001 and 1341.

You should direct any questions about this information request to Jason Hewitt at 312 353-3114.

Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.*
4. Documents claimed as confidential business information (CBI) must be submitted in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI. Please follow the instructions in Appendix C for designating information as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, or 40 C.F.R. Part 122.

1. “Categorical Pretreatment Standards” means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a publicly-owned treatment works (POTW) by existing or new Industrial Users in specific industrial subcategories and established as separate regulations under the Effluent Guidelines and Standards for Point Source Categories of 40 C.F.R. Chapter I, Subchapter N. 40 C.F.R. § 403.6.
2. “Act” or “CWA” means the Federal Water Pollution Control Act, also referred to as the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
3. “Day” or “days” means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
4. “Indirect Discharge” or “Discharge,” as defined in 40 C.F.R. § 403.3(i), means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the CWA.
5. “Industrial User” as defined in 40 C.F.R. § 403.3(j), means a source of Indirect Discharge.
6. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined, and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
7. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological

materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).

8. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). 40 C.F.R. § 403.3(q). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over Indirect Discharges to and direct discharges from such a treatment works.
9. “Record” or “records” means any recording of information in tangible or intangible form. It includes, but is not limited to, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
10. “Wastewater” shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
11. “You” or “your” or “CHS, Inc.,” for purposes of this Information Request, refers to CHS, Inc. and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of CHS, Inc.

Appendix B

Information You Are Required to Submit to EPA

CHS, Inc. must submit the following with regards to its facility located at 1900 Steward Rd., Rochelle, Illinois (the Facility) pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), within 30 days of receipt of this request:

1. Identify the Facility's current and previous owners and current and previous operators. Include the following: original construction date of the Facility; initial operation date of the Facility; dates of extended periods of shutdown in operation; official names of owners, operators, and other relevant parties; date(s) of ownership change; and circumstances of change in ownership (i.e., bankruptcy, name change, merger).
2. Provide an up-to-date plot plan of the Facility.
3. Provide a copy of any and all permits received from the City of Rochelle (including supporting documentation).
4. Provide a copy of any and all permit applications CHS, Inc. submitted to the City of Rochelle for the Facility.
5. Provide an up-to-date block process flow diagram for the Facility that, at a minimum, includes and labels, but is not limited to, each piece of processing equipment and wastewater treatment equipment, including storage tanks and equipment capacity.
6. Provide a sewer pipe schematic of the Facility that labels and identifies all sewer pipe locations, Discharge points, and connections, as well as all of the Facility's process and work areas including restrooms, kitchens, and any other drains or sewer connection points.
7. Provide a detailed description of the operations at the Facility, including a brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by you and the volume of wastewater produced and discharged.
8. Provide a detailed narrative description of the wastewater treatment operations at the Facility, including any ability to bypass or divert any portion of the waste stream from or to any portion of the treatment operation.
9. Clearly state and describe whether any of the following operations are performed at the Facility:

- a. Corn Wet Milling;
 - b. Corn Dry Milling;
 - c. Normal Wheat Flour Milling;
 - d. Bulgur Wheat Flour Milling;
 - e. Normal Rice Milling;
 - f. Parboiled Rice Processing;
 - g. Animal Feed;
 - h. Rayon Fibers;
 - i. Other Fibers covered by 40 C.F.R. Part 414, Subpart C;
 - j. Thermoplastic Resins;
 - k. Thermosetting Resins;
 - l. Commodity Organic Chemicals;
 - m. Bulk Organic Chemicals;
 - n. Specialty Organic Chemicals.
10. Provide a copy of all notices and reports submitted to EPA, the Illinois Environmental Protection Agency, and/or the City of Rochelle on behalf of the Facility.
11. Provide any and all documents that include determinations, engineering assessments, and/or associated explanations made regarding the applicability of specific Categorical Pretreatment Standards to any operations or equipment at the Facility.
12. Provide a copy of the self-monitoring records for all sampling conducted over the past five (5) years. Those records should include, but are not limited to:
- a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - b. The dates analyses were performed;
 - c. Who performed the analyses;
 - d. The analytical techniques/methods used;
 - e. The results of such analyses;
 - f. Flow monitoring data;
 - g. Production data, if the Facility is subject to production-based standards;
 - h. Chain of custody form(s); and
 - i. The certification required under 40 C.F.R. § 403.12(l) if the Facility is a categorical Industrial User.
13. Submit to EPA a summary of all self-monitoring data collected for the Facility from March 2016 to the present.
14. Provide information showing the measured average daily and maximum daily flow, in gallons per day, to the City of Rochelle Water Reclamation Facility from regulated process streams and other streams.
15. Provide a list of any environmental control permits held by or for CHS, Inc.

16. Did you prepare and submit a baseline report(s) pursuant to 40 C.F.R. § 403.12(b)? If so, identify to whom you submitted the report(s) and provide a copy of each.
17. Did you prepare and submit a report(s) on compliance with Categorical Pretreatment Standards deadline pursuant to 40 C.F.R. § 403.12(d)? If so, identify to whom you submitted the report(s) and provide a copy of each.
18. Did you prepare and submit periodic reports on continued compliance pursuant to 40 C.F.R. § 403.12(e)? If so, identify to whom you submitted the report(s) and provide copies of the reports from January 2016 to the present.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 308(a) of the CWA and 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. EPA will construe the failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who

is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

EPA may also find that the information you claim as confidential is clearly not entitled to confidential treatment and will provide you a determination letter stating the same. Examples of information clearly not entitled to confidential treatment include effluent data, as defined in 40 C.F.R. § 2.302(A)(2), and information in National Pollution Discharge Elimination System permit applications are not entitled to confidential treatment. See 40 C.F.R. § 122.7.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.